



LSC Board Tours

A first-hand look at those who toil in the “Salad Bowl for the World.”

by Haydee Diaz

On July 29, 2005, the Board of Directors of the Legal Services Corporation and senior staff toured the agriculture fields of the Salinas Valley and met with a few of the many people whose work and productivity have earned the area the title, “Salad Bowl for the World.” The tour, organized by LSC grantee California Rural Legal Assistance (CRLA), provided an opportunity for the LSC Board to see first hand the incredible need, impoverished conditions, and tireless work ethic of California’s farm workers.

Florencio Orozco was the first of many agricultural workers who shed light on the harsh reality faced by farm workers. Standing in the strawberry fields among a semi-circle of LSC Board members and senior LSC staff, Orozco, a thin man with a sun-weathered face and calloused hands, told his story of coming to the U.S. in search of the American dream. For 15 years, Orozco had worked in the fields, much like the other 750,000 farm workers who fuel California’s \$27.2 billion agricultural economy, picking lettuce, strawberries and broccoli for up to 12 hours a day for no more than the meager wage of \$6.75 an hour. When presented the opportunity to become a sharecropper nine years ago, Orozco was sure he had found his reward for years of arduous labor while learning the trade. A “Cooler,”

the name given to corporations who sell and distribute strawberries to markets across America from their large refrigeration facilities, had offered Orozco a \$5,000 per acre start-up loan to rent, plant, and fertilize 60 acres of strawberries. Orozco would be responsible for managing the crops, employing a crew of workers and delivering a pre-set amount of strawberries directly to the cooler during the harvest. Orozco jumped at the opportunity, hoping that he would finally have a chance at the dream he came to America in search of: a stable income, a home for his family, and the opportunity for his children to have a better life.

Orozco, however, soon found out that the deal with the cooler came with plenty of strings attached. According to the terms of the written agreement, Orozco could sell his crop only to the Cooler “partner” at a pre-set price, oftentimes much lower than the market price. The \$5,000 per acre loan was quickly spent in rent, fertilizer, and plants. There was no money to hire the workers to prepare the soil, plant the crop, or pick the strawberries. Orozco admitted to the Board members that oftentimes the only way to make ends meet is to not pay his workers. “Early on in the season, before I have any strawberries to sell, I have no choice but to ask my crew to work without pay,” Orozco explained.

Orozco’s story is not uncommon. This type of sharecropping dominates the \$973 million a year strawberry industry throughout California. Coolers, the primary



Agricultural Fields

beneficiary of the system, contract hundreds of “middlemen” or sharecroppers like Orozco to insulate themselves from wage liability, worker’s compensation and other claims from their employees. Sharecroppers, to meet the tight financial margins Orozco described and to undercut competition, often resort to cheating their workers out of weeks and sometimes months of pay.

“Sharecropping demonstrates why legal services for migrant farmworkers are so clearly needed,” testified Jack Londen, a corporate attorney who played a key role in developing the ABA’s 1993 white paper on migrant farm workers which was presented during the previous day’s LSC board meeting in Monterey, California. “There is nothing like a Securities Exchange Commission to control unfair labor practices in agriculture. The network of migrant legal services programs in place today provides farm workers with an avenue to redress their grievances when faced with non-payment of wages and other serious violations of law,” said Londen.

Michele Besso, a senior attorney at the Northwest Justice Project in Seattle, Washington, one of the regional legal services organizations serving migrant farm workers, explained during the LSC board meeting the impact of

non-payment of wages on her clients. She recounted one case in which farm worker clients were paid from an account with insufficient funds. When the paychecks bounced, workers had to borrow money from friends and relatives to pay for rent, food, and gas. “One of our clients had to carry his sick child on foot two miles to the clinic because he had been forced to sell his car,” explained Besso.

Chris Bunn, an owner/grower, explained to the LSC Board and senior staff during their visit to his 1,000 acre farm how honest growers like he, and his father and his grandfather before him, are whipsawed when farm workers are under-paid or not paid at all by his competitors. Bunn, a tall man with a white beard and friendly blue eyes, stressed how employers who short their workers’ wages are able to sell their products at a lower price, thus, cutting honest farmers like Bunn out of the market. “Unscrupulous growers who don’t pay their workers create an un-even playing field with which honest farmers just can’t compete,” explained Mr. Bunn.

For female farmworkers, who comprise 20% of the work force, being cheated out of their wages pales in comparison to the trauma caused by sexual harassment that takes place far too often in the agricultural industry. With

OPPOSITE: Migrant workers pick cauliflower in the fields of California’s Salinas Valley. **ABOVE:** Florencio Orozco (facing row, second from left), strawberry sharecropper, speaking with LSC Board Members, CRLA staff, and others.



tears running down her cheeks and a quivering voice, Aurora Vasquez, a former CRLA client, courageously told her story to the LSC Board and made a compelling case for the urgent need to protect farm worker women from sexual harassment. Vasquez, a woman in her late-30s with shoulder-length brown hair pulled away from her face, explained how a new human resource manager who had been hired by her company had selected her for a promotion. Vasquez saw the opportunity as a reward for her 18 years of loyal service to the company. What she didn't know was that the new human resource manager, a man, would immediately start to demand she have sex with him under threat that she and her husband, who worked for the same company, would both lose their jobs if she refused him. Ashamed of the circumstances, with a young son at home to feed, and not knowing whom to trust, Vasquez felt desperate and without options. After enduring months of sexual harassment, she sought the legal services of CRLA.

Working closely with CRLA community worker Jesus Lopez, Vasquez documented the prior abuse; CRLA filed a lawsuit. Her employer quickly settled out of court to avoid further damages and publicity. Then, the company retaliated. They fired all of their employees, shut down the operation, and incorporated themselves under a new name to avoid claims from other workers. The fired employees all blamed Vasquez for the loss of their jobs and angrily ridiculed her in public.

"Sexual harassment can ruin the life of a farm worker woman. Family members and the community-at-large blame the woman for the abuse. This sense of shame has a real impact on their sense of worth," explains Lopez. "The opportunity to redress their grievances in a court of

law is the only chance these women have to see justice served. Without LSC-funded legal services programs for farm workers, many poor women like Mrs. Vasquez would have nowhere to turn."

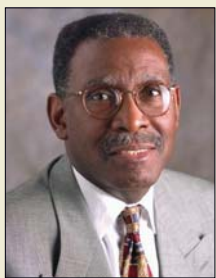
In stark contrast, Juana Hernandez, provided proof-positive that an honest grower can help farm workers achieve the dreams for which they have worked so hard.

By the side of the endless rows of lettuce, which have given Salinas the nickname "lettuce capital of the world," Hernandez greeted the LSC board. Stepping away from the crew of 8 women she supervises, Hernandez removed the handkerchief worn by farm worker women to protect their faces from sun, wind, dirt and multiple fumigants. She addressed the Board members. "I don't really know who you are or what you can do for farm workers, but I want to tell you how important migrant education and housing are to us." Hernandez explained how soaring prices in even the less desirable areas of Salinas have made it impossible for farm workers to find decent housing.

A video filmed by Emanuel Benitez, a CRLA community worker from California's Coachella Valley, had been shown during the previous day's board meeting. It highlighted Hernandez's concern and showed the extreme housing crisis faced by a significant number of farm workers. Just a few miles away from tony Palm Springs, surrounded by country clubs and golf courses, Benitez filmed hundreds of workers forced to sleep on the ground or in their cars due to the lack of available housing. The video graphically depicted other workers bathing in irrigation canals that carry runoff generally laden with pesticides, and also showed workers cooking meals in the open desert. "California's agricultural wealth relies on a signifi-

ABOVE: Israel Morales, ranch supervisor, and Juana Hernandez, women's lettuce crew leader, speaking with LSC Board members, staff, and others.

Board Member Quotes, CRLA visit



David Hall

On meeting the farmworkers:

"I was very impressed with one woman who was proud of the fact that the work she did allowed her to send her children to college, and to her that was very important. Through having conversations with these workers it was clear that the pride and integrity they have about their work and about their own lives reinforces how important it is to have a legal services operation to protect them when their boss isn't doing the right thing."—**David Hall**

On the CRLA staff:

"The staff at CRLA was very impressive. They are clearly dedicated to their work, and committed to what they do. They were incredibly friendly and welcoming to us. The visit they planned was enlightening; we all learned a lot and came away with some very vivid impressions and a deeper sense of the seeming intractability of the issues that farm workers, growers, and CRLA face."—**Lillian R. BeVier**



Lillian R. BeVier

On the growers:

"The most important thing I learned was that not all farmers treat their workers badly, and not all workers live and work in deplorable conditions. There are many law-abiding farmers who pay their workers as promised and try to take care of them. In order to stay competitive, these farmers need CRLA to enforce the law against the farmers who do not abide by the law. This is why the work of the legal services programs is so important for the farm workers. Not only does it help protect them against the farmers who might abuse their rights, it also helps the farmers who do not abuse them to stay competitive so they can continue to treat workers well."—**BeVier**

On what more can be done to help migrant farmworkers:

"There is certainly more [legal services programs] can do, and if we had more money we could provide more resources. It is not an issue of the commitment on the part of legal services offices that serve migrant farmworkers. In regards to the quality of life workers are leading: whether they are getting paid when they are supposed to and getting paid the right amount, whether they are being protected from hazardous chemicals, etc., these are areas where legal services can make a difference, and I think the only reason we aren't addressing more of those types of problems is because of resources."—**Hall**

cant supply of migrant and seasonal farm workers. We are the nation's leader in agricultural exports and the sixth largest economy in the world. Yet farm workers, the economic engine of the agricultural economy, earn about \$10,000 a year. This makes it impossible for them to find affordable housing in many of California's agricultural cities," explains Luis Jaramillo, CRLA's Deputy Director and LSC tour organizer.

Hernandez, who clearly enjoyed talking to the Board members, went on to explain how migrant education had helped her daughters succeed academically. Her brown eyes gleamed with pride as she announced that her youngest daughter had just graduated from University of California at Davis. "All three of my girls now have college degrees. That is why I have worked in these fields, so my daughters can be professionals."

Some might argue that Hernandez's success has been aided by the three decades she has spent working for one of the best ranch supervisors in the valley, Israel Morales.

Morales, a Mexican immigrant himself, came to California over 40 years ago and toiled in the fields until he worked his way up to tractor driver. A few years later, after having learned everything he could about farm machinery, he became the head mechanic for a large grower. Eventually promoted to foreman several times over, Morales is now the supervisor of more than 4,000 acres of organic and conventional crops. A stout man with an easy smile and a light-hearted demeanor, Morales explained the unique challenges posed in selecting, planting, caring for, protecting, harvesting, transporting, and eventually selling agricultural produce. He also demonstrated for the LSC board members one of his many inventions: a tarp with a collapsible frame that protects crops more effectively than existing models. This is only one of Morales' many inven-

tions to make farm work easier for his workers. So innovative are Morales methods, such as ergonomic tools to prevent farm worker back injuries and farming methods to prevent worker exposure to pesticides (the two leading causes of health problems for farm workers), that the University of California is currently studying them.

Morales believes that caring for his workers' health and safety is nothing more than a good business practice: "growers need workers. Farm work will never be fully mechanized. I depend on good workers; our entire industry would be crippled without them."

After a long day in the fields, the LSC Board and senior staff ended their tour with a visit to the John Steinbeck Museum, which chronicles the history and contributions of the many generations of farm workers who have made this valley one of the most productive agricultural regions of the world. At the museum, Janice Morgan, a leading advocate for farm workers and the director of the Farmworker Program at the LSC-funded Legal Aid Services of Oregon, gave her evaluation of the day. Morgan described how the tour had shed light on the reality of farm workers' lives: working long hours, under difficult and dangerous conditions, for very little pay. "Farm workers are the poorest of the working poor," explained Morgan, "yet, farm workers are also the bearers of the American dream. They endure endless sacrifices with the hope their children will have better lives. The least we can do as a society is ensure their dreams are not lost to injustices."

Also not lost to the tour members was the message that federal migrant legal services funding continues to be a vital component of national legal services delivery because the human conditions of these migrant and seasonal working families, so visible on the tour, require special services. ■